

## **REMARKS**

### **Amendments**

#### ***Amendments to the Claims***

Applicant has amended the claims to more particularly point out what Applicant regards as the invention. Specifically, the invention as claimed uses a transaction privacy clearing house to maintain the privacy of the consumer. No new matter has been added as a result of these amendments.

### **Rejections**

#### ***Rejections under 35 U.S.C. § 102(e)***

##### **Claims 1-5, 7-13, 15-18 and 20-23**

Claims 1-5, 7-13, 15-18 and 20-23 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Sharp, U.S. Patent No. 6,263,317. Applicant does not admit that Sharp is prior art and reserves the right to swear behind the reference at a later date. Nonetheless, Applicant respectfully submits that Applicant's invention as claimed in claims 1-5, 7-13, 15-18 and 20-23 is not anticipated by Sharp.

Sharp discloses allocating e-commerce orders to manufacturers, distributors and retailers according to distribution channel protocols. If the manufacturer cannot fulfill the order, a computer program executed on a server computer checks alternate suppliers until an alternate supplier is found with available inventory. However, Sharp does not disclose that the computer program executing on the server maintains the privacy of the consumer.

Applicant respectfully submits that Sharp does not teach or suggest each and every limitation of Applicant's invention as claimed. In independent claims 1, 7, 9 and 15, Applicant claims using a transaction privacy clearing house (TPCH) that maintains consumer privacy. However, Sharp does not teach or suggest using a TPCH that maintains consumer privacy. Accordingly, Sharp cannot be properly interpreted as anticipating Applicant's invention as claimed in claims 1, 7, 9 and 15 and the claims that depend on them. Therefore, Applicant respectfully submits that the invention claims in claims 1-5, 7-13, 15-18 and 20-23 is not anticipated by Sharp under 35 U.S.C. § 102(e) and respectfully requests the withdrawal of the rejection of the claims.

***Rejections under 35 U.S.C. § 103***

**Claims 6, 14 and 19**

Claims 6, 14 and 19 stand rejected under 35 U.S.C. § 103(a) as being obvious over Sharp in view of Bezos, US Patent No. 6,029,141. Applicant respectfully submits that the combination does not teach each and every element of the invention as claimed in claims 6, 14 and 19.

Bezos discloses a computerized referral system in which associates recommend products from selected vendors to consumers and receive compensation from the merchants when the consumers complete a purchase based on the recommendation. Bezos does not disclose using a transaction privacy clearing house (TPCH) that maintains consumer privacy.

Applicant respectfully submits that the combination of Sharp and Bezos does not support a *prima facie* case of obviousness because the combination does not teach or suggest each and every limitation of Applicant's invention as claimed. Claims 6, 14 and 19 depend from independent claims 1, 9 and 15, respectfully. Because Sharp does not teach or suggest each and every limitation of claims 1, 9 and 15, Bezos must disclose at the least the missing elements from the independent claims in order to have a proper *prima facie* case for the dependent claims.

However, there is no disclosure in Bezos that teaches or suggests using a transaction privacy clearing house that maintains the privacy of the consumer. As neither Sharp, nor Bezos, teach or suggest this element as claimed in claims 1, 9 and 15, the combination cannot be interpreted to disclose the claimed element. Therefore, the combination cannot render obvious Applicant's invention as claimed in claims 6, 14 and 19, and Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination.

**SUMMARY**

Claims 1-23 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for

allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Eric Replogle at (408) 720-8300.

**Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR  
& ZAFMAN LLP

Dated: July 7, 2004



Eric S. Replogle  
Agent for Applicant  
Registration No. 52,161

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1026  
(408) 720-8300